

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, March 1, 2001

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Swager, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP officer L. Thomas, Bailiff.

- A089530      James D. Smyth, M.D., et al.  
                 v.  
                 New York Life Insurance Company, et al.  
                 Cause called and argued by A. Charles, counsel for appellants; Lois Lindstrom and J. Russell Stedman, counsel for respondents. Cause ordered submitted.
- A091874      Bruce Albion Baily,  
                 v.  
                 Tatro, Coffino, Zeavin & Bloomgarden, et al.  
                 Cause called and argued by Bruce Bailey, appellant in pro per, and Arthur Friedman, counsel for respondent. Cause ordered submitted.
- A091362      Arthur Chambers,  
                 v.  
                 Phillip Kay.  
                 Cause called and argued by Arne Werchick, counsel for appellant, and Steven Wasserman, counsel for respondent. Cause ordered submitted.
- A088887      Harbor House Café, Inc.,  
                 v.  
                 California Indemnity Insurance Company.  
                 Cause called and argued by Harold M. Jaffe, counsel for appellant, and Robert A. Lewis, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, March 1, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; B. Robbins, Deputy Clerk; and CHP officer S. Mills, Bailiff.

- A088955      Allen Nelson,  
                  v.  
                  Profit-Pak, Inc.  
Cause called and argued by Geoffrey Rotwein, counsel for appellant, and Philip R. Green, counsel for respondent. Cause ordered submitted.
- A089288      Daniel M. Vincent,  
                  v.  
                  Community Development Commission of Mendocino County.  
Cause called and argued by Scott Emblidge, counsel for appellant, and Robert Schnack, counsel for respondent. Cause ordered submitted.
- A089721      Kimberly Gazlay,  
                  v.  
                  Oracle Corporation.  
Cause called and argued by Angela M. Alioto, counsel for appellant, and Brendan Dolan, counsel for respondent. Cause ordered submitted.
- A090695      Jacob Shani,  
                  v.  
                  Olympiad Corporation.  
Cause called and argued by Vernon L. Bradley, counsel for appellant, and John B. Dickson, counsel for respondent. Cause ordered submitted.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 1, 2001

Division Two

**A087168 -- Blossum Lum Jang v. Pillsbury, Levinson & Mills et al.**

The trial court's summary adjudication of Jang's civil conspiracy claim is affirmed. The portion of the judgment awarding \$46,358.34 of the interpleaded funds to Jang is reversed. This matter is remanded to the trial court with instructions to enter a new judgment, concluding that Jang is not entitled to any of the interpleaded funds. This new judgment shall reallocate Jang's share of the interpleaded funds to the cross-appellants in a fair and equitable fashion as outlined in their October 7, 1998 settlement agreement. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A088732 -- The People v. Marcus McGinnis.**

The Court: The written opinion which was filed on February 5, 2001, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Kline, P.J.

**A091824 -- The People v. J. Pastor Lopez Moreno.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A094071 -- In re Rowland D. Pugh, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Thursday, March 1, 2001 (continued)

Division Three

**A090878 -- The People v. Russell James Mannex.**

Order Modifying Opinion and Denying Rehearing. The Court: It is ordered that the opinion filed herein on January 31, 2001, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. McGuiness, P.J. (Not for Publication.)

Division Four

**A092288 -- The People v. Clifford E. Anderson.**

The judgment is affirmed. Chiantelli, J.\* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A088912 -- The People v. Johnny Marzette.**

We find no error in the trial court's handling of defendant's renewed suppression motion. The judgment is therefore affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

Division Five

**A090797 -- In re the Marriage of Evelyn Low and Chester Chin.**

The order is reversed. Costs to appellant. Jones, P.J. We Concur: Stevens, J. Richman, J.\* (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 1, 2001 (continued)

**A091907 -- Sloan Miyasato, Inc. v. Fireman's Fund Insurance Company.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Richman, J.\* (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 2, 2001

Division One

**A091030 -- In re Jamal A., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Teresa T.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A091619 -- In re Diamond J., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A090757 -- James T. Raphael v. County of San Mateo.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A093946 -- Sean Sebring v. Daniel Paul Ramseier.**

By the Court: Appellant having failed to procure the record on appeal within the time allowed or within any valid extensions of time, and having failed to show good cause for relief from default, the appeal filed January 29, 2001, is dismissed. (See Cal. Rules of Court, rule 10(c).) Strankman, P.J.

Friday, March 2, 2001 (continued)

Division Two

**A092813 -- American Online, Inc., et al. v. The Superior Court of Alameda County, Al Mendoza, Jr., et al.**

By the Court: Upon Direction of the California Supreme Court, this court's order of January 4, 2001, denying the petition is vacated, and, (see order). This order to show cause is to be served and filed on or before March 5, 2001. It shall be deemed served upon mailing by the clerk of this court of certified copies of this order to all parties to this proceeding and to respondent superior court. Haerle, Acting P.J.

**A092487 -- The People v. David Wayne Ball.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A094150 -- George Ferreira v. The Superior Court of Solano County, The People of the State of California, R.P.I.**

By the Court: The petition for writ of mandate/prohibition/stay is denied. Petitioner has failed to show compliance with Penal Code section 1510. Kline, P.J.

**A094147 -- Peter Georgi v. The Superior Court of San Francisco County, Randolph Georgi, R.P.I.**

By the Court: The petition for writ of mandate/stay is denied. Kline, P.J.

**A087504 -- The People v. Eliot Scott Grizzle.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Friday, March 2, 2001 (continued)

**A094111 -- Kuumba Johnson v. The Superior Court of Alameda County; The People of the State of California, R.P.I.**

By the Court: The petition for writ of prohibition/mandate is denied. The general issue of the legality of searches of an adult probationer subject to a search condition when, at the time of the search, the officer is unaware of that search condition, is currently pending before the California Supreme Court in *People v. Moss*, S087478, review granted June 28, 2000. Petitioner is free to seek a grant of review or a grant and hold by the Supreme Court. (Cal Rules of Court, rule 29.2.) Kline, P.J.

**A091137 -- Carol Larsen v. San Rafael Manor, Inc.**

The judgment is affirmed. Ruvolo, J. I Concur: Kline, P.J. (See concurring and dissenting opinion of Lambden, J. ) (Not for Publication.)

Division Three

**A091473 -- Darrel Franklin v. USX Corporation.**

Based upon these holdings, we reverse the trial Court's determination of the successor in interest issue, and do not address the remaining issues raised. The judgment entered against USX is reversed. Appellant shall recover its costs on appeal. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Publication.)

Division Five

**A091803 -- In re David P., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a continued ward of court pursuant to Welfare and Institutions Code section 602 and placing him outside the parental home is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)



Monday, March 5, 2001

Division One

**A091134 -- Rose M. Bell et al. v. Farmers Insurance Exchange.**

The order granting interim payment of attorney fees is reversed. The parties are to bear their own costs on appeal. Swager, J. We Concur: Strankman, P.J., Stein, J. (Certified for Publication.)

**A086897 -- The People v. Jesse Raphael Martinez.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A093358 -- Premier Valley Foods, Inc. v. Superior Court of the County of San Francisco; Del Monte Corporation et al., R.P.I.**

By the Court: Therefore, let a peremptory writ of mandate issue commanding respondent, San Francisco Superior Court, to set aside its ruling announced November 30, 2000, for the December 1, 2000, hearing on petitioner's motion for entry of judgment, and to instead sign and enter any otherwise properly presented judgment in case No. 308541. Before Stein, Acting P.J., Swager, J., and Marchiano, J. (Not for Publication.)

Division Five

**A088614 -- The People v. Calvin E. Chow.**

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A089821 -- Insurance Commissioner of the State of California v. Golden Eagle Insurance Company et al.**

The order is affirmed. Jones, P.J. We Concur: Stevens, J., Richman, J.\* (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 6, 2001

Division One

**A091874 -- Bruce Albion Bailey v. Tatro, Coffino, Zeavin,  
Bloomgarden et al.**

The judgment of dismissal is reversed as to the first cause of action. The trial court is directed to overrule the demurrer to the complaint's first cause of action. The parties shall bear their own costs on appeal. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A084976 -- The People v. Antonio Sanchez.**

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A089739 -- The People v. Raphael Craig Butler.**

The appeal is dismissed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Two

**A094124 -- The Housing Group v. The Superior Court of Contra Costa  
County; Joe Foster Excavating, Inc., R.P.I.**

By the Court: The petition for writ of supersedeas/mandate/stay is denied. Kline, P.J.

Division Three

**A091808 -- In re Monique L., a Person Coming Under the Juvenile  
Court Law. The People v. Monique L.**

The order adjudicating appellant a ward of the court pursuant to section 602 and placing her in her mother's home, with participation in the RYSE Program, is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Tuesday, March 6, 2001 (continued)

**A093050 -- In re Brett T., a Person Coming Under the Juvenile Court Law.**

In sum, we see no arguable issues for review, pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The order of the juvenile court is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

**A090308 -- Alice Dickey v. City of Hayward.**

We conclude that triable issues of fact were presented by plaintiff's sixth cause of action and that the trial court erred in entering judgment on that cause of action. Accordingly, the judgment is reversed and the trial court is directed to set aside the order granting summary judgment with respect to that cause of action. In all other respects the judgment is affirmed. Woolard, J.\* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A086349 -- Kathleen R. et al. v. City of Livermore.**

The judgment of dismissal is affirmed with costs to respondent. Hanlon, P.J.\* We Concur: Reardon, Acting P.J., Sepulveda, J. (Certified for Publication.)

\*Retired Presiding Justice of the Court of Appeal, First Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, March 7, 2001

Division One

**A090482 -- In re Robert A., a Person Coming Under the Juvenile Court Law.**

The judgment is reversed, and the case is remanded to the trial court.  
Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A090718 -- In re Aaron B., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J.  
(Not for Publication.)

**A093658 -- Carmen F. v. The Superior Court of Solano County; Solano County Health Services Department et al.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for April 5, 2001. Therefore, our decision is final in this court immediately. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A090891 -- The People v. Mark Jackson.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

**A088955 -- Allen Nelson v. Profit Pak, Inc.**

The judgment is affirmed. Costs are awarded to respondent. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Wednesday, March 7, 2001 (continued)

Division Two

**A094165 -- In re Arthur Augustine, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied.

**A094171 -- George Ferreira v. The Superior Court of Solano County;  
The People of the State of California, R.P.I.**

By the Court: The petition for writ of mandate/prohibition/ stay is denied.  
Kline, P.J.

**A094181 -- John W. Linton et al. v. The Superior Court of San Mateo  
County; Michael J. Corley et al., R.P.I.**

The petition for writ of prohibition/stay is denied. Kline, P.J.

**A087060 -- The People v. Antonio Williams.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

Thursday, March 8, 2001

Division One

**A090936 -- In re Ian C., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Certified for Publication.)

**A091776 -- Sangmi Cho v. Chang IL.Kim, et al.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A090799 -- In re Aaron Collins, on Habeas Corpus.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A089135 -- Kenneth R. Cook v. Ken Thompson et al.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A089288 -- Daniel M. Vincent v. Community Development Commission of Mendocino County.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Two

**A090303 -- Cross-Connection Control Consultants, Inc. et al. v. Alameda County Water District.**

Accordingly, the judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, March 8, 2001 (continued)

Division Three

**A089190 -- The People v. Mario Bartholomue Williams.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Three

**A089885 -- The People v. Maurice Green.**

Both the detention and the pat search were lawful. The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Five

**A090301 -- Estate of Horst Hans Grahlmann, Deceased.**

The order is affirmed. Richman, J.\* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A088317 -- Milagro Guardado v. University of California Medical Center.**

The judgment is reversed. Appellant is awarded costs on appeal. Jones, P.J. We Concur: Stevens, J., Richman, J.\* (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 9, 2001

Division One

**A087399 -- The People v. David Stendal.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

**A088723 -- Angela K. Benedict v. Danner Press, et al.**

We affirm. Haerle, J. We Concur: Kline, P.J., Ruvoilo, J. (Certified for Partial Publication.)

Division Five

**A091402 -- In re Porchea and Ashley J., Persons Coming Under the Juvenile Court Law.**

Order Modifying Opinion and Denying Petition for Rehearing. By the Court: The opinion filed on February 16, 2001, is ordered modified as follows:

On page 4, the final sentence of the second paragraph, which reads as follows: (See order.) The petition for rehearing is denied. This modification does not effect a change in the judgment. Jones, P.J. (Not for Publication.)



Monday, March 12, 2001

Division One

**A091432 -- In re Antoinette J., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A089923 -- Pronto Products, B.V., et al. v. KRH Thermal Systems et al.**

The judgment in favor of respondents is affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A089530 -- James D. Smyth et al. v. New York Life Insurance Company et al.**

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Two

**A087284 -- The People v. Joshua Little Burrows.**

We reverse the carjacking conviction and strike the fine imposed pursuant to section 1202.45. The trial court is directed to correct the abstract of judgment in accordance with this ruling. In all other respects, the judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A094200 -- Steven D. v. The Superior Court of Alameda County; The People of the State of California, R.P.I.**

By the Court: The petition for writ of mandate/prohibition/habeas corpus/stay is denied. Lambden, Acting P.J.

Kline, J. dissents for the reasons set forth in his dissent in the prior petition in this case, A093180.

Monday, March 12, 2001 (continued)

**A090729 -- The People v. Stevan Theodore Jensen.**

We reverse the carjacking conviction and strike the fine imposed pursuant to section 1202.45. The trial court is directed to correct the abstract of judgment in accordance with this ruling. In all other respects, the judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A091836 -- The People v. Andre Lavont McDaniel.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A086941 -- The People v. Frank Carl Burrows, Jr.**

We reverse the carjacking conviction and direct the trial court to correct the abstract of judgment in accordance with this ruling. In all other respects, the judgment is affirmed. Upon remand following this decision becoming final, the record on appeal is ordered returned to the trial court with the remittitur for redaction of juror identifying information in compliance with Code of Civil Procedure section 237 and rule 33.6 of the California Rules of Court. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

**A090460 -- Joseph W. Welch et al. v. Redevelopment Agency of the City of San Bruno et al.**

The trial court did not err in finding that plaintiffs had failed to carry the burden of showing excusable neglect or other arguable “good cause” for denying effect to the mandatory dismissal provisions of section 863. The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Woolard, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, March 12, 2001 (continued)

Division Five

**A090083 -- The People v. Livai Makasini.**

Appellant's conviction of count nine (witness intimidation) is reversed, and the matter is remanded to the trial court for resentencing. The judgment is otherwise affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Tuesday, March 13, 2001

Division One

**A090695 -- Jacob Shani v. Olympiad Corporation.**

The appeal is dismissed. Costs are awarded to respondent. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A090432 -- The People v. Duc Van Tran.**

The judgment is affirmed. Marchiano, J. Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A094217 -- In re Clayton Collins, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A086094 -- Thomas J. Culligan III et al. v. State Farm Fire and Casualty Company.**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A089836 -- Gail Grashius v. Clifford Burnham et al.**

The judgment is affirmed. The Burnhams' request for attorney fees as sanctions on appeal was not made by separate motion (Cal. Rules of Court, rules 26(e) & 41), and is denied. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Four

**A087062 -- The People v. Donald Eugene Cavness.**

The judgment is affirmed. Chiantelli, J.\* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 13, 2001 (continued)

**A091284 -- The People v. Gary Lee Logan.**

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

**A094206 -- Don Dao v. The Superior Court of San Francisco County;  
Judie Wilson, R.P.I.**

By the Court: The petition for writ of prohibition is denied. Kline, P.J.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 13, 2001

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Sepulveda, Acting P.J. and Jay, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Leland Thomas, Bailiff.

Each counsel in the causes below waived Justice Timothy Reardon's presence on the bench.

- A086508      Patrick J. Murphy  
A087136      v.  
                Bank of America NTSA  
                Paul Mahan et al.  
                Causes called. William C. Rust, Jr. argued for appellant Murphy. Arne Wagner argued for respondents Bank of America et al. Richard E. Hodge argued for cross-appellants Mahan et al. Cause submitted.
- A087905      People  
                v.  
                Rex Allen McCurdy  
                Cause called. Jean Matulis argued for appellant McCurdy. Deputy Attorney General Dorian Jung argued for respondent. Cause submitted.
- A090205      Peter Ambrosia  
                v.  
                Kevin Dede  
                Cause called. Roger L. Meredith argued for appellant Dede. Lorie Nachlis argued for respondent. Cause submitted.
- A088011      Mark Kharmats  
A089784      v.  
                Roger Lee Curnutt  
                Cause called. Mark G. Bonino argued for appellant Curnutt. Jewell Hargleroad argued for respondent. Appellant's opposition to respondent's motion for sanctions filed on March 8, 2000 is due 15 days from today. No reply is requested by the court. The ruling on said motion shall be included in the opinion. Cause submitted.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 13, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Sepulveda, Acting P.J., Kay, J., and Chiantelli, Assigned Judge; Channing Hoo, Deputy Clerk; CHP Officer Tony Tam, Bailiff.

- A087456 Richard Traverso  
A088354 v.  
A088713 People ex. rel. Dept. of Transportation  
Causes called. **In A087456**, Terry Traktman argued for appellant Traverso. O.J. Solander argued for respondent. **In A088354**, Terry Traktman argued for appellant Traverso. Ardine Zazzeron argued for respondent. **In A088713**, Joseph Forest argued for appellant Traverso. O.J. Solander argued for respondent. Causes submitted.
- A091628 In re Brianna P.  
Contra Costa Social Services Agency  
v.  
Scott W.  
Cause called. Violet Elizabeth Grayson argued for appellant Scott W. Diane Baker argued for respondent. Cause submitted.
- A083706 People v. Albino Perez  
A088902 In re Albino Perez on Habeas Corpus  
Causes called. Kent Russell argued for appellant/petitioner Perez. Bridget Billeter argued for respondent. Causes submitted.
- At this point, the court reconstituted itself to include Sepulveda, Acting P.J. and Chiantelli, Assigned Judge.
- A087947 Maggie Richards  
v.  
Safeway, Inc.  
Cause called. Each counsel waived Justice Reardon's presence on the bench. Richard R. Dale argued for appellant Richards. Charles Treat argued for respondent. Cause submitted.

March 13, 2001, (continued)

Division Five

**A090078 -- The People v. Robert McDuff, Jr.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.  
(Not for Publication.)



Wednesday, March 14, 2001

Division One

**A089721 -- Kimberly Gazlay v. Oracle Corporation.**

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

**A090111 -- Mesa/Boogie Europa GmbH, et al. v. Mesa/Boogie LTD., et al.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A090297 -- Gerald Grahm et al. v. Tosco Refining Company.**

The judgment is reversed. Costs on appeal are awarded to the Grahns. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A093729 -- Westport Insurance Corporation v. The Superior Court of Contra Costa County; Albert D. Seeno Construction Company, R.P.I.**

By the Court: The petition for writ of mandate is denied. Kline, P.J.

Division Three

**A086125 -- The People v. Alan Ross Cluff.**

**A090342 -- In re Alan Ross Cluff.**

The petition for writ of habeas corpus is denied. The sentence is vacated and the matter is remanded to the trial court to conduct a new *Romero* hearing. In all other respects, the judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Certified for Partial Publication.)

Wednesday, March 14, 2001 (continued)

Division Four

**A087049 -- David Phillips et al. v. Fire Insurance Exchange et al.**

The trial court is directed to modify the judgment entered March 10, 1999, to reinstate sums deducted for comparative bad faith, as follows: (1) Increase the award of contractual and economic damages from \$3,285,287.35 to \$3,344,687.35; (2) increase the award of emotional distress damages in favor of plaintiff David Phillips from \$240,000 to \$300,000; (3) increase the award of attorneys fees from \$715,544.72 to \$894,430.90. Interest on all such modified sums shall run from the dates stated in the original judgment. As so modified, the judgment is affirmed. Each side will bear its own costs on appeal. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A090900 -- The People v. O.Z. Martin.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Thursday, March 15, 2001

Division One

**A094048 -- William Leonhart, Jr. v. Melvin Curtaccio.**

By the Court: Appellant having failed to pay the statutory filing fee in compliance with rule 1(c) of the California Rules of Court, after notice having been given pursuant to rule 10(a), the appeal filed on November 28, 2000 is dismissed. Stein, Acting P. J.

**A085327 -- The People v. Lonnie E. Weathers.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Stein, Acting P. J., Marchiano, J. (Not for Publication.)

Division Two

**A090280 -- The People v. Andrew Aronce.**

The conditions of probation requiring Aronce to abstain from alcohol use, submit to alcohol testing and attend alcohol and narcotic abuse treatment meetings are stricken. The condition of probation prohibiting Aronce from leaving the state is also stricken. The judgment is affirmed in all other respects. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A088963 -- The People v. Adrian Roderick Hall.**

**A091251 -- In re Adrian Roderick Hall, on Habeas Corpus.**

Appellant's sentence to state prison is vacated. The trial court is directed to order direct the release of appellant from the custody of the Department of Corrections. The relief requested in appellant's accompanying habeas corpus petition having been granted on direct appeal, the habeas petition is hereby dismissed as moot. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Thursday, March 15, 2001

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco.  
Present: Haerle, Acting P.J., Lambden, J., Ruvalo J. and S. Graham, Deputy Clerk

- A088098      The People  
                 v.  
                 Clyde Nathaniel Slaughter  
Cause called and argued by Mark Greenberg, counsel for appellant and Laurence Sullivan, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A090948      International Federation of Professional  
                 and Technical Engineers, et al.  
                 v.  
                 Public Utilities Commission, et al.  
Cause called and argued by Duane Reno, counsel for appellant and Joseph Quinn, counsel for respondent. Cause ordered submitted.
- A090586      John R. Connell, et al.  
                 v.  
                 Parker E. Sorg, et al.  
Cause called and argued by Albert B. Wenzell, counsel for appellants and Kenneth Wachtel, counsel for respondents. Cause ordered submitted.
- A091559      Russell Troup, et al.  
                 v.  
                 Ross Dodson, et al.  
Cause called and argued by Edward Fishman, counsel for appellants and Terry Ewing, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened in its courtroom at 1:30 p.m. Present: Kline, P. J., Haerle, J., Ruvalo, J. and S. Graham, Deputy Clerk.

- A089298      The People  
                 v.  
                 Ronald Hughes  
Cause called and argued by Lauretta M. Oravitz, counsel for appellant and Pamela Critchfield, Deputy Attorney General, counsel for respondent.  
Cause ordered submitted.
- A087714      The People  
                 v.

A092468      Bradford Gary Burbine  
In re Bradford Gary Burbine, on Habeas Corpus  
Cause called and argued by Roberta Simon, counsel for appellant and Bridget Billeter, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A091181      Robert S. Kolodge  
v.  
Michael E. Boyd  
Cause called and argued by Cheryl Martinsen, counsel for appellant and Robert Dolan, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Ruvolo left the bench and Justice Lambden joined the bench.

A085450      The People  
v.  
Jay Shawn Johnson  
Cause called and argued by Stephen B. Bedrick, counsel for appellant and Catherine McBrien, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until Friday, March 16, 2001 at 9:30 a.m.

Friday, March 16, 2001

Division One

**A091088 -- The People v. Brad Boyd.**

The judgment is affirmed. Marchiano, J. We concur: Stein, Acting P. J., Swager, J. (Not for Publication.)

Division Two

**A093720 -- Twin City Fire Insurance Company v. The Superior Court of Contra Costa County; Albert D. Seeno Construction Company, R.P.I.**

By the Court: The petition for writ of mandate is denied. Real party met its initial burden with respect to summary adjudication of petitioner's affirmative defense of lack of exhaustion of the primary policies, and the burden of proof then shifted to petitioner "to show that a triable issue of one or more material facts exists as to that cause of action or defense thereto." (Code Civ. Proc., section 437c, subd. (o)(1).) Petitioner failed to meet that burden. Kline, P.J.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Friday, March 16, 2001

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco.  
Present: Kline,P.J., Lambden, J., Ruvolo J. and I. Santos, Deputy Clerk

- A088238/  
A091188      Donald L. Daley et al.,  
v.  
Liberty Mutual Insurance Company.  
Cause called and Presiding Justice asks all counsels to approach the bench. Michael H. Fish and Paul Strange, counsels for appellants, and Helen Duncan, counsel for respondents, are present. Justice Kline asks the counsels why they had not informed the court earlier that settlement negotiations were in progress. Counsels give explanation and court informs counsels that matter will be taken under submission. Presiding Justice Kline reminds counsels that there is no pending Motion to Dismiss before the court.
- A089554      Woodrow Sloan,  
v.  
Hubbell Incorporated, et al.  
Cause called and argued by Robert G. Howie, counsel for appellant, and Thomas R. Fellows, counsel for respondent. Cause ordered submitted.
- A091112      In re the Marriage of Giselle and James McKellar.  
Giselle McKellar,  
v.  
James McKellar;  
The McKellar Family LJBTC 1992 Trust.  
Cause called and argued by James Scott Scheper, counsel for appellant, and Alexander F. Eagle, counsel for respondent. Cause ordered submitted.
- A088142      Deluxe Corporation,  
v.  
Franchise Tax Board.  
Cause called and argued by Charles J. Moll, counsel for appellant, and Joyce E-Hoong Hee, counsel for respondent. Cause ordered submitted.
- A090216      P & K Trucking,  
v.  
Steve Navarro et al.  
Cause called and argued by Kenneth Kinnard, in propria persona, and Edwin Wilson, counsel for respondent. Cause ordered submitted.
- A089630      LaVaughan Moore,  
v.  
Steve Navarro.  
Cause called and argued by LaVaughan, in propria persona, and Edwin Wilson, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.



Friday, March 16, 2001(continued)

Division Three

**A083145 -- Paige Chase McBride et al. v. Karen Brady et al.**

We reverse the judgment as to the award of punitive damages only. In all other respects, the judgment is affirmed. Each party will bear his own costs. Parrilli, J. We concur: Corrigan, Acting P. J., Walker, J. (Not for Publication.)

**A089477 -- Cappiello, Hofmann & Katz, P. C. v. Thomas J. Boyle et al.**

The judgment is reversed. Boyle shall recover its costs on appeal. Parrilli, J. We concur: Corrigan, Acting P. J., Walker, J. (Certified for Publication.)

**A090009 -- Tom Church v. City College et al.**

The judgment is affirmed. Respondents are awarded their appellate costs. Parrilli, J. We concur: McGuiness, P. J., Corrigan, J. (Not for Publication.)

**A090001 -- Tom Church v. City College et al.**

The appeal is dismissed. Respondents are awarded their appellate costs. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A089896 - The People v. Richard Anthonly Lucas.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Monday, March 19, 2001

Division Three

**A089819 -- Alvin H. Pelavin v. Merilyn Tan.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

**A084864 -- MF Bank & Company, Inc. v. Stoner & Company, Inc. et al.**

**A086789 -- MF Bank & Company, Inc. v. Stoner & Company, Inc. et al.**

In A084864, the judgment is affirmed. In A086789, the order awarding fees and costs is affirmed. Kay, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

**A091628 -- In re Brianna P., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A090983 -- In re Ricky T., a Person Coming Under the Juvenile Court Law.**

For all the reasons stated above, the judgment is reversed. Chiantelli, J.\* We Concur: Reardon, Acting P.J., Kay, J. (Certified for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, March 20, 2001

Division One

**A090310 -- Joel Guzman v. Allied Sysco Food Services, Inc.**

Order Modifying Opinion and Denying Rehearing. The Court: It is ordered that the opinion filed herein on February 22, 2001, be modified in the following particular: (See order.) There is no change in the judgment. The petition for rehearing is denied. Swager, J. (Not for Publication.)

**A093705 -- In re the Estate of Albert J. Pavolini.**

**-- Richard Donaldson v. National Marine, Inc.**

**A092876 -- Richard Donaldson v. National Marine, Inc.**

By the Court: The motion filed February 21, 2001 to consolidate the above-captioned appeal's is granted and said appeals are hereby consolidated for purposes of briefing, oral argument and decisions. Counsel is informed that all future filings in these appeals shall bear both appellate case numbers. Strankman, A.P.J.

Division Three

**A089622 -- The People v. David Sampson Hunter.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A089896 -- The People v. Richard Anthony Lucas.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Tuesday, March 20, 2001 (continued)

Division Four

**A086508 -- Patrick J. Murphy v. Bank of America NT&SA; Paul Mahan et al.**

**A087136 -- Patrick Murphy v. Paul Mahan et al.**

The judgment of dismissal is affirmed, with costs to Bank and the Bloomfields. The order denying the Bloomfields' motion for attorney fees and the related order striking attorney fees from their cost bill are reversed. Bank and the Bloomfields are entitled to their reasonable attorney fees on appeal in amounts to be determined by the trial court. Kay, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

**A087456 -- Richard Traverso v. Department of Transportation.**

The judgment of dismissal is affirmed with costs to Caltrans. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Certified for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A092054 -- The People v. Ralph Adrian Chapa.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A091656 -- The People v. James Michael Miller.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Wednesday, March 21, 2001

Division One

**A091939 -- Theodore Galletti v. William Walsh.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

**A094333 -- In re Michael Buggs, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A094302 -- In re Raymond Newsom, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Division Three

**A090579 -- In re David G., a Person Coming Under the Juvenile Court Law.**

The orders of the juvenile court are affirmed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Four

**A090517 -- Scott D. Purcell v. Jay Schrieffer et al.**

The appeal is dismissed. Reardon, Acting P.J. We Concur: Kay, J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, March 21, 2001 (continued)

**A088354 -- Richard Traverso v. Department of Transportation.**

The judgment is affirmed with costs to Caltrans. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A091128 -- In re Golden Eagle Insurance Company in Conservation of Assets.**

The order of the trial court is reversed. The matter is remanded to the trial court with directions to enter a new order consistent with this opinion. Brutoco is entitled to recover its costs on appeal. Stevens, J. We Concur: Jones, P.J., Richman, J.\* (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, March 22, 2001

Division One

**A087549 and A088650 -- Hung Nguyen, et al. v. Philip Lien.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

Division Two

**A094186 -- Murray & Howard, LLP v. The Superior Court of San Francisco County; James R. Seaman et al., R.P.I.**

By the Court: The petition for writ of mandate/prohibition/certiorari is denied. Kline, P.J.

**A082334 -- The People v. Raymond Joseph Reiter.**

The judgement is reversed as to the conviction of murder. The judgment is affirmed in all other respects. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A093055 -- In re Brandon C., a Person Coming Under the Juvenile Court Law.**

The juvenile court's order is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A090087 -- The People v. Lamont Ronald Johnson.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

**A089434 -- The People v. Donald August Schave.**

Affirmed. Walker, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Thursday, March 22, 2001 (continued)

Division Four

**A090133 -- In re Kaylee C., a Person Coming Under the Juvenile Court Law.** The custody order is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Kay, J. (Not for Publication.)

**A088713 -- Richard Traverso v. Department of Transportation et al.** The judgment is affirmed with costs to respondents. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A089742 -- The People v. Thomas Howard Crandall.** The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A089856 -- Paula R. Zinnemann etc. v. Venancio Bagnol**  
**A089663 -- John J. Allison et al. v. George A. Barber.** The appeal in A089856 is dismissed. The judgment in A089663 is affirmed but the matter is remanded to the San Mateo County Superior Court for further proceedings. Costs on appeal are awarded to respondents. Richman, J.\* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

\*Judge of the Alameda County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Friday, March 23, 2001

Division One

**A093887 -- Diedra F. v. The Superior Court of Alameda County;  
Alameda County Social Services Agency, R.P.I.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for May 7, 2001. Therefore, our decision is final in this court immediately. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A089731 -- Hillside Park East Homeowners Association v. Marco A. Vidal Properties.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A092246 -- Ricardo Leyva v. J. Lawson, et al.**

By the Court: Appellant having failed to procure the record on appeal within the time allowed or within any valid extensions of time, and having failed to show good cause for relief from default, the appeal filed August 7, 2000, is dismissed. (See Cal. Rules of Court, rule 10(c).) Strankman, P.J.

Division Two

**A090565 -- The People v. Robert Brewer.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Friday, March 23, 2001 (continued)

**A093995 -- In re Jay Larau D., a Person Coming Under the Juvenile Court Law.**

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888; § 366.26, subd. (l)(1) [precluding further challenge to these orders by petitioner in any subsequent appeal].) The request for stay of the section 366.26 hearing, which is set for May 23, 2001 is denied, and our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(d).) Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A089146 -- Allen F. Ehle v. Barry W. Meyer.**

The judgment is reversed insofar as it awards prejudgment interest before February 18, 1997. In all other respects, the judgment is affirmed. Each party shall bear his own costs on this appeal. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A094295 -- Rolando Hernandez v. The Superior Court of Alameda County; Bay Area Veberage Company et al., R.P.I.**

By the Court: The petition for writ of mandate is denied.. Kline, P.J.

**A092143 -- The People v. Michael Patrick McAllister.**

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Friday, March 23, 2001 (continued)

**A089533 -- The Ratcliff Architects v. Vanir Construction Management, Inc. et al.**

The judgment is affirmed. Ratcliff is to pay costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A091559 -- Russell Troup et al. v. Ross. Dodson et al.**

The judgment is affirmed. Costs on appeal are awarded to respondent. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A094351 -- Paul Schneider, Marjorie Knoller, Robert Noel et al. v. The Superior Court of San Francisco, County; The People of the State of California, R.P.I.**

By the Court: The petition for writ of habeas corpus/mandate/prohibition/temporary restraining order is denied for failure to properly verify the petition (Star Motor Imports, Inc. v. Superior Court (1979) 88 Cal.App.3d 201), and fully comply with all provisions of California Rules of Court, rule 56.

Any future habeas corpus petition filed on behalf of petitioner Schneider shall be filed separately and shall be verified by petitioner Schneider.

Insofar as the petition seeks the return of property or to suppress evidence, such motion shall be made in writing and accompanied by a memorandum of points and authorities and proof of services and must first be heard by the trial court. (Pen. Code, § 1538.5.) Kline, P.J.

**A093804 -- Wells Fargo Bank, N.A. v. The Superior Court of San Francisco County; James R. Seaman, et al.**

By the Court: The petition for writ of mandate/prohibition is denied and this court's temporary stay of the discovery order at issue herein is lifted.\* Kline, P.J. (Not for Publication.)

\*Haerle, J. would grant the petition only with respect to the issue concerning review of the trust files by litigation counsel.

Friday, March 23, 2001 (continued)

Division Four

**A087334 -- In re Rex H. et al., Persons Coming Under the Juvenile Court Law.**

**A089523 -- Napa County Department of Health And Human Services v. Billie H.**

The appeal and cross-appeal in A087334 are dismissed; the orders and judgment appealed from in A089523 are affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

**A091383 -- In re Rex H., et al., Persons Coming Under the Juvenile Court Law.**

The challenged orders of the trial court are affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

**A091445 -- Christine Sapka v. National Union Fire Insurance Company of Pittsburgh.**

The purported appeals are dismissed for lack of jurisdiction. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A091224 -- State Compensation Insurance Fund v. Integrity Plus, Inc.**

The foregoing analysis makes it unnecessary to consider SCIF's request for judicial notice of certain Minnesota proceedings, or the conditional request filed in response by Integrity. We therefore deny both requests as moot.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 23, 2001 (continued)

Division 5

**A091165 -- In re Lakrista & Aondray P., Persons Coming Under the Juvenile Court Law.**

That part of the jurisdiction order adjudging the children to be dependents of the juvenile court pursuant to section 300, subdivisions (b) and (e) is reversed. In all other respects the jurisdiction order is affirmed. That part of the disposition order denying reunification services to Mother is reversed. In all other respects it is affirmed. The case is remanded to the juvenile court for further proceedings consistent with the views expressed in this opinion. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

**A089583 -- The People v. James Arthur McPherson.**

Order Modifying Opinion and Denying Petition For Rehearing. By the Court: The opinion filed on February 22, 2001, is ordered modified as follows: (See order.) The petition for rehearing is denied. This modification does not effect a change in the judgment. Jones, P.J. (Not for Publication.)

Monday, March 26, 2001

Division One

**A090896 -- The People v. Patrick William Mullen.**

The abstract of judgment is modified to reflect an award of 354 days of total credits for time served, consisting of 236 actual days and 118 days of local conduct credit. As modified, the judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

Division Two

**A089630 -- LaVaughn Moore v. Steven Navarro et al.**

The judgment is affirmed and respondents are awarded costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A088155 -- The People v. Lawrence Cuevas.**

In light of the nature of the offenses, and especially the fact that appellant is a recidivist offender, we conclude that the sentence imposed was not disproportionate to the crimes charged. We therefore affirm. We remand the matter to the trial court for the purpose of amending the abstract of judgment to reflect the trial court's oral pronouncement of judgment staying counts 2 and 4 pursuant to Penal Code section 654. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A093600 -- Dr. Mint Co., LTD. v. Tony Yip, et al.**

Respondent's motion to dismiss the appeal of appellants Elcon and Yip is granted. Corrigan, J. We Concur: McGuinness, P.J., Walker, J. (Not for Publication.)

**A091481 -- The People v. Brian Tracey Hill.**

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Monday, March 26, 2001 (continued)

**A091947 -- In re David Sampson Hunter on Habeas Corpus.**

The writ is granted, and the case is remanded to permit petitioner to withdraw his NGI plea, if he elects to do so, by an appropriate motion filed within 60 days of the issuance of the remittitur. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A092183 -- In re Quincshon J., a Person Coming Under the Juvenile Court Law. Social Services Agency, v. Quincy J.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A090080 -- The People v. James Kevin Powers.**

The order denying the motion to suppress and the resulting judgment are affirmed. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

**A092037 -- The People v. Niche Savon Fortune.**

The record amply supports the court's ruling. We find no arguable issues. The judgment is affirmed. Kay, J. We Concur: Reardon, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A089934 -- Victor Vitlin et al. v. City and County of San Francisco Planning Commission.**

The judgment is affirmed. Chiantelli, J.\* Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

March 26, 2001 (continued)

**A091557 -- The People v. Ronqui Kwame Allison.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

**A090035 -- Sandra Schwartzkopf v. Eeonyx Corporation.**

The order granting a new trial is affirmed. The order granting JNOV is reversed, and the matter is remanded to the trial court for further proceedings, consistent with the views expressed herein. Each party shall bear its own costs. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)



Tuesday, March 27, 2001

Division Two

**A092986 -- The People v. Angela Denise Kisbey.**

The order permanently revoking appellant's probation and imposing the previously stayed prison term is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A091066 -- The People v. James Walter Torres.**

The judgment appealed from is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A091844 -- The People v. Paul Alva.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A088240 -- Barbara Ellen Cohn, as Executor, etc. v. Trudy Cohn.**

The judgment is affirmed. Barbara shall recover her costs. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A092255 -- The People v. Robert William Gee.**

In sum, we find no arguable issues for review, pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A087169 -- Robert Lawrence v. Emil Lawrence.**

Accordingly, the appeal before us must be and is hereby dismissed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Tuesday, March 27, 2001 (continued)

**A086928 -- Annette LeRoy et al. v. Borel Bank & Trust Company.**

Order Modifying Opinion and Denying Rehearing. By the Court: It is ordered that the opinion filed herein on February 26, 2001, be modified as follows: (See order.) The petition for rehearing is denied. There is no change in the judgment. McGuiness, P.J.

**A087947 -- Maggie Richards, et al. v. Safeway, Inc.**

The judgment is affirmed. Sepulveda, J. We Concur: Chiantelli, J.\*, Reardon, Acting P.J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A092629 -- In re Angel H. M., a Person Coming Under the Juvenile Court Law. The People v. Angel H. M.**

The juvenile court is ordered to prepare and to forward the Youth Authority an amended dispositional order showing that the one year term imposed for the conspiracy finding is stayed pursuant to section 654. In all other respects, the judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 27, 2001

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Kay, J. and Chiantelli, Judge; Pamela Aguilar, Deputy Clerk; CHP Officer Scott Mills, Bailiff.

A090899      People  
                 v.  
                 Rodolfo Martinez Ayala  
Cause called. Christine Dubois argued via telephone on behalf of appellant Ayala. Matthew Boyle argued for respondent. Cause submitted.

At this point, the Court reconstitutes itself to include: Reardon, Acting P.J., Sepulveda, J. and Kay, J.

A086966      People  
                 v.  
                 Fernando Murillo  
Cause called. Ann Hopkins argued for appellant Murillo. Seth Schalit argued for respondent. Cause submitted.

A088759      Arturo Flores  
                 v.  
                 City and County of San Francisco  
Cause called. B.E. Bergesen III argued for appellant Flores; Judith Pemberton argued for respondent. Cause submitted.

A091569      Harley Lamunyon  
                 v.  
                 Reliance Standard Life Insurance, Co.  
Cause called. Joseph P. Meyers argued for appellant Lamunyon. Lori Sebransky argued for respondent. Cause submitted.

A090048

Mary Moore Henry de Tessan

v.

Christine Boss

Cause called. Janet Morgan argued for appellant de Tessan. Elizabeth Brekhus argued for respondent.

The Court recessed at 10:40 a.m.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 27, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Sepulveda, J. and Kay, J.; Channing Hoo, Deputy Clerk; CHP Officers Scott Mills and Jason Keirse, Bailiffs.

- A086641      People  
                 v.  
                 Layce Baker, Sr.  
Cause called. Neil Rosenbaum argued for appellant Baker. Catherine A. Rivlin argued for respondent. Cause submitted.
- At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J. and Chiantelli, Assigned Judge.
- A085999      Steven M. Krantz  
A087341      v.  
A089575      BT Visual Images, LLC et al.  
Causes called. Margaret A. Seltzer argued for appellant/cross-respondent Krantz. Marc Epstein argued for respondents/cross-appellants. Causes submitted.
- A091500      People  
                 v.  
                 Dale Howard Johnson  
Cause called. Gordon B. Scott argued for appellant Johnson. Seth Schalit argued for respondent. Causes submitted.
- A089371      People  
                 v.  
                 Gregory Adolph Comaroto  
Cause called. Gary K. Dubcoff argued for appellant Comaroto. Catherine Rivlin argued for respondent. Causes submitted.

A090795      Dennis T. Mangano  
                 v.  
                 University of California Regents  
Cause called. Glenn Pfadenhauer argued for appellant Mangano. Fletcher C. Alford argued for respondent. Cause submitted.

A089567      Stanley H. Ayers  
A089975      v.  
                 Rudolf V. Isch  
Causes called. Ken Sperandio argued for appellant Ayers. A. Charles Dell'Ario argued for respondent. Causes submitted.

A085932      Harry Blumenthal et al.  
                 v.  
                 Commerical Discount Associates et al.  
Cause called. Gary Garfinkle argued for appellants Blumenthal et al. Michael McNaughton argued for respondents. Cause submitted.

The Court adjourned at 3:44 p.m.

Wednesday, March 28, 2001

Division Two

**A089645 -- In re Alicia B., a Person Coming Under the Juvenile Court Law.**

The order appealed from is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A088780 -- Bonnie Brock v. Mark Comings.**

The order denying the motion to set aside default is affirmed. The award of post-judgment attorney fees is reversed. Each side to bear its own costs and attorney fees on appeal. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A094406 -- Richard Arce Javier v. The Superior Court of San Mateo County; The People of the State of California, R.P.I.**

By the Court: The petition for writ of mandate is denied. Petitioner has failed to show compliance with Penal Code section 1510. Kline, P.J.

**A091265 -- The People v. Anthony Benjamin Miron.**

The judgment is affirmed, and the matter is remanded to the trial court to issue a new abstract of the judgment consistent with the views expressed herein. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A090086 -- The People v. Lawrence Kennedy Nelson.**

Accordignly, we affirm. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A087168 -- Pillsbury, Levinson & Mills v. Blossom Lum Jang.**

By the Court: The petition for rehearing is denied. Kline, P.J.

**A090581 -- Safira Court Homeowners Association v. David Kroopnick.**

The matter is remanded to the trial court with directions to set aside the default judgment as amended. Appellant shall recover his costs on appeal. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Wednesday, March 28, 2001 (continued)

Division Three

**A085595 -- The People v. Brian T. Hill.**

Reversed with respect to the finding that appellant utilized a deadly weapon in commission of the battery. We hereby strike the one-year and two 5-year enhancements based upon the deadly weapon finding and remand the matter to the trial court for resentencing. The conviction is affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A087311 -- The People v. George Lincoln Coats.**

By the Court: The petition for rehearing is granted. McGuiness, P.J.

**A090412 -- People v. Ledell Moss.**

Order Modifying Opinion and Denying Rehearing. The Court: The opinion filed February 28, 2001, is ordered modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing denied. McGuiness, P.J. (Not for Publication.)

Division Four

**A090899 -- The People v. Rodolfo Martinez Ayala.**

Judgment affirmed. Reardon, Acting P.J. We Concur: Kay, J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Wednesday, March 28, 2001 (continued)

**A088011 -- Mark Kharmats v. Roger Lee Curnutt.**

**A089784 -- Roger Lee Curnutt v. The Superior Court of San Mateo County; Mark Kharmats, R.P.I.**

The purported appeal from the order of June 11, 1999, is dismissed. The orders of May 5, 1999, and July 2, 1999, are affirmed. In light of this conclusion, defendant's petition for a writ of supersedeas (A089784) is moot, and it is denied on that basis. All pending motions and applications, including the request that defendant be found in contempt, are also denied. Plaintiff shall recover his costs of appeal. Kay, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Wednesday, March 28, 2001 (continued)

**A088121 -- The People v. Tyrone Lavon Morgan.**

The judgment of conviction is affirmed. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A090620 -- The People v. Eduardo Guzman Reyes.**

We affirm the judgment of conviction. Reardon, Acting P.J. We Concur: Kay, J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

**A089761 -- In re Golden Eagle Insurance Company in Conservation of Assets.**

The order of trial court is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A090800 -- The People v. Robert Anthony Smith.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Thursday, March 29, 2001

Division One

**A091973 -- Duane A. Anderson v. The Regents of the University of California.**

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A091134 -- Rose Bell, et al. v. Farmers Insurance Exchange.**

By the Court: The petition for rehearing is denied. Strankman, A.P.J.

**A092630 -- In re Daniel H., a Person Coming Under the Juvenile Court Law. The People v. Daniel H.**

The order continuing appellant as a ward of the court pursuant to Welfare and Institutions Code section 602 and placing him in a suitable group home is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A089986 -- In re Sean M., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Stein, J., Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A090419 -- The People v. William Mooney.**

The judgment is affirmed. Stein, J. ac We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A091216 -- In re Deandre N. et al., a Person Coming Under the Juvenile Court Law.**

The orders are affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Thursday, March 29, 2001

Division Two

**A091609 -- In re Brandi J., a Person Coming Under the Juvenile Court Law.**

We affirm the order of the court following the June 7,2000 review hearing. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A092190 -- The People v. Richard Michael Scott**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A090440 -- Insurance Commisioner of the State of California v. Professionals Prototype I Insurance Company, LTD., et al.; Henry Davis and Sarah Davis.**

The order appealed from is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A091266 -- The People v. Michelle Lynn Hamm.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A091317 -- Jennifer M. v. Redwood Women's Health Center.**

The judgment is affirmed. Appellant Jennifer shall pay respondent's costs on appeal McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Certified for Publication.)

**A087450 -- The People v. Everette Eugene Mosley.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Thursday, March 29, 2001 (continued)\

**A088952 -- Louis F. Plummer et al. v. Far West Associates et al.**

The evidence presented by plaintiffs in their case in chief failed to establish all of the essential elements of each cause of action alleged in their complaint. Accordingly, the trial court properly granted motions for nonsuit as to each claim. The judgment is affirmed. Defendants shall recover their costs on appeal. Walker, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A087478 -- The People v. Jesse Shavers.**

Affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A091465 -- Ray Slayton v. Boxer, Elind & Gerson et al.**

The judgment of nonsuit is reversed and the cause is remanded for further proceedings not inconsistent with this opinion. Respondents shall pay appellant's costs on appeal. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A091668 --The People v. James Robert Taylor.**

The judgment is affirmed. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A090172 -- The People v. Jimmy Charles Stroup.**

The judgment is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A089415 -- W.L. Butler, Inc. v. Demcon Stomping Co.**

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Thursday, March 29, 2001 (continued)

Division Four

**A089567, A089975 -- Stanley E. Ayers v. Rudolph V. Isch.**

We affirm the judgment on the complaint and cross-complaint (No. A089567) but reverse the fee award and remand for further proceedings consistent with this opinion (No. A089975). The parties will bear their own costs on appeal. Reardon, Acting P.J. We Concur: Sepulveda, J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A091139 -- Patricia Bynum v. West Contra Costa Unified School District et al.**

The order denying the petition for writ of mandate is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A089689 -- Mori Hatssushi & Association v. The SWA Group.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A088911 -- The People v. Damon Lamont Valery.**

The judgment is affirmed. Chiantelli, J.\* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, March 30, 2001

Division One

**A090279 -- The People v. Charles Earl Jones.**

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A094396 -- Antonia Allen et al. v. The Superior Court of Alameda County; Federal Insurance company et al**

By the Court: The petition for writ of mandate/stay is denied. Kline, P.J.

Division Three

**A090305 -- Centennial Insurance Company v. United States Fire Insurance Company.**

The judgment is affirmed. Appellant Centennial shall pay respondent U.S. Fire's costs on appeal. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Certified for Publication.)

**A087311 -- The People v. George Lincoln Coats.**

By the Court: The petition for rehearing is granted. McGuiness, P.J.

**A088918 -- The Cooper Companies, Inc. v. Pillsbury, Madison & Sutro, L.L.P.**

The judgment of dismissal is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Friday, March 30, 2001 (continued)

**A089641 -- In re Dennis H., Jacob H. and Samantha H., Persons Coming Under the Juvenile Court Law.**

We conclude the father was not denied the effective assistance of counsel and substantial evidence supports the juvenile court's denial of reunification services. The orders of the juvenile court are affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Certified for Partial Publication.)

**A091337 -- Seven Severn v. Rose Mary Severn, Contra Costa County Defendant and Appellant.**

The trial court's order asserting continuing exclusive jurisdiction over the parties' child support order issued in Alaska is reversed. Each party to bear its own costs on appeal. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A091930 -- People v. Joey Loid Trimm.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

**A090795 -- Dennis T. Mangano v. The Regents of the University of California.**

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Chiantelli, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A090191 -- The People v. Brent Iver Nelson.**

The judgment is affirmed. Chiantelli, J.\* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Friday, March 30, 2001 (continued)

**A093027 -- The People v. Floyd Merle McLaughlin.**

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Kay, J. (Not for Publication.)

Division Five

**A091936 -- Khanm Kim LUC v. Donald Chu.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

**A090094 -- Jan N. Nguyen et al. v. Steve Aronovsky.**

The Court:\* The judgment is affirmed. (Not for Publication.)

\*Before Jones, P.J., Simons, J., Stein, J., associate Justice of the Court of Appeal, First District, Division One, assigned b the Chief Justice pursuant to article VI, section 6 of the California Constitution.)